

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PHILIP J. CELATKA,	§
	§ No. 524, 2010
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0008008225
Plaintiff Below-	§
Appellee.	§

Submitted: November 17, 2010

Decided: January 14, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 14th day of January 2011, after careful consideration of the opening brief, motion to affirm, and record on appeal, we find it manifest that the judgment below should be affirmed for the reasons set forth in the Superior Court's order dated July 20, 2010. The Superior Court did not err in concluding that the sole claim raised in appellant's third motion for postconviction relief was both untimely and repetitive¹ and that appellant had failed to overcome these procedural hurdles. Moreover, the second argument raised in appellant's opening brief was previously adjudicated and reconsideration is not warranted in the interest of justice.²

¹ See *Celatka v. State*, 2002 WL 2017221 (Del. Aug. 29, 2002).

² *Celatka v. State*, 2010 WL 841339 (Del. Mar. 11, 2010).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice